

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55425 of 2021

Arising Out of PS. Case No.-574 Year-2021 Thana- ARARIA District- Araria

1. Md. Sakir, Son of Ahmad Hussain, R/O Village- Majgama Ward No.-01, P.S.- And District- Araria
2. Tarique @ Tarique Anwar, Son of Perwez Alam, R/O Village- Purandaha Ward No.-06, P.S.- Simraha, District- Araria
3. Md. Rustam, Son of Late Mehengu, R/O Village- Majgama Ward No.-01, P.S. And District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Araria (R.S.) P.S. Case No. 574 of 2021 (Special Case No. 26 of 2021) for the offences punishable under Sections 21, 22, 23 of the N.D.P.S. Act.

The prosecution case is that on 10.07.2021 all the three persons having been caught in illegal possession of the seized intoxicant/Sedative drugs Nitrazepam tablets IP, Nitravet-



10, total 7200 tablets kept in two cartons and Nitrazepam tablets IP, Nitrazepam-10, total 1200 tablets, total 8400 tablets were recovered from a Honda City Car.

It is submitted on behalf of learned counsel for the petitioners that the medicines have been recovered from the seized car and it is not the case of the prosecution that the recovered sedative medicines were commercial quantity, which came to be seized by the police. It is further submitted that even as per the allegation 8400 Nitrazepam tablets IP contain 84 gms Nitrazepam. The small quantity as has been mentioned in the table is 20gm, but the commercial quantity is 500 gms. It is further submitted that all the petitioners have no criminal antecedent and they are the first offender. Learned counsel for the petitioners lastly submits that the accused-petitioners are in custody since 11.07.2021 and the investigation has already concluded and there is no chance of their absconding and tampering with the evidence. It is further submitted that the petitioners are ready to abide by any terms and conditions, as may be imposed by this Court.

On the other hand, learned APP for the State vehemently opposes the prayer for bail and states that the sedative tablets contain Nitrazepam, more than small quantity.



Having considered the submissions made on behalf of the parties and also considering the fact that the petitioners have no criminal antecedent and they are the first offender and further the sedative medicines containing 84 gms of Nitrazepam and the petitioners are in custody since 11.07.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Araria (R.S.) P.S. Case No. 574 of 2021 (Special Case No. 26 of 2021) subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

